

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

ALFONSO JACKSON,)	3:05-cv-00428-HDM(RAM)
)	
Plaintiff,)	
)	
vs.)	ORDER ADOPTING MAGISTRATE
)	JUDGE'S REPORT AND
SHERYL FOSTER, <i>et al.</i> ,)	RECOMMENDATION
)	
Defendants.)	
)	

The court has considered the Report and Recommendation of the United States Magistrate Judge (#185) filed on July 25, 2008, in which the Magistrate Judge recommends that this court enter an order that Defendant Doakes Motion to Dismiss (#125) be denied as moot, that Defendant Doakes and Count I of Plaintiff's Fourth Amended Complaint (#124) be dismissed for failure state a claim on which relief can be granted under 28 U.S.C. § 1915(e)(2)(B)(ii), that Defendants' Motion for Summary Judgment (#140) be granted and

1 that Plaintiff's Cross Motion for Summary Judgment (#148, 150, 151)
2 be denied.

3 Discovery closed on October 28, 2007. Plaintiff filed an
4 untimely Motion to Compel Discovery (#178) on May 19, 2008. That
5 motion is **DENIED**.

6 The court has considered all other pleadings and memoranda of
7 the parties and other relevant matters of record and has made a
8 review and determination in accordance with the requirements of 28
9 U.S.C. § 636 and applicable case law, and good cause appearing, the
10 court hereby

11 **ADOPTS AND ACCEPTS** the Report and Recommendation of the
12 United States Magistrate Judge (#185). Accordingly:

13 Defendant Doakes' Motion to Dismiss (#125) the Plaintiff's
14 Third Amended Complaint is **DENIED** as moot.

15 Count I of Plaintiff's Fourth Amended Complaint (#124) against
16 Defendant Doakes is **DISMISSED** with prejudice for failure to state a
17 claim on which relief can be granted pursuant to 28 U.S.C.
18 § 1915(e)(2)(B)(ii).

19 The Motion for Summary Judgement filed by Defendants Sheryl
20 Foster, Ben Gutierrez, Bob Hartman, Jim Ferguson, Dr. David Mumford
21 and Ira Hollingsworth on counts II, III and IV (#140) is **GRANTED**.

22 Plaintiff's Cross Motion for Summary Judgment (#148, 150, 151)
23 is **DENIED**.

24 **IT IS SO ORDERED.**

25 DATED: This 18th day of September, 2008.

26 

27 UNITED STATES DISTRICT JUDGE
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